

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH BELL,

Plaintiff,

DECISION AND ORDER

04-CV-6511L

v.

OFFICER BRZEZNIAK,
OFFICER BARRETT,

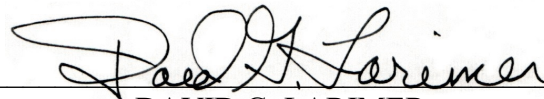
Defendants.

By *pro se* motion, plaintiff, Joseph Bell, moves for a preliminary injunction transferring him to another correctional facility. Defendants oppose the motion (Dkt. #12). Plaintiff's motion and request for a preliminary injunction is denied. Plaintiff has failed to show either irreparable harm or a likelihood of success on the merits of his claim. Plaintiff alleges that certain acts occurred in December 2004. Those matters are contested and disputed by defendants. Plaintiff has failed to carry his burden for granting the extraordinary remedy of a preliminary injunction.

CONCLUSION

Plaintiff's motion for a preliminary injunction and a transfer to another facility (Dkt. #6) is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 18, 2005.

